

*cc: jsp*  
**ORIGINAL**

ARTHUR E. ROSS, #1005  
 126 QUEEN STREET, SUITE 210  
 HONOLULU, HAWAII 96813  
 TELEPHONE NO. 521-2323

FILED IN THE  
 UNITED STATES DISTRICT COURT  
 DISTRICT OF HAWAII

RORY SOARES TOOMEY, #2323  
 1088 BISHOP STREET, SUITE 1004  
 HONOLULU, HAWAII 96813  
 TELEPHONE NO. 533-7162

JUN 06 2006  
 at 10 o'clock and 30 min M  
 SUE BEITIA CLERK

Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

BARBARA KALANIKIEKIE KAAPUNI ET AL,	)	CIVIL NO. CV-04-00449-SOM-LEK
	)	PLAINTIFFS' SPECIAL VERDICT
Plaintiffs,	)	FORM CERTIFICATE OF
	)	SERVICE
vs.	)	
	)	
CARLTON HELM, in his individual capacity, ET AL,	)	
	)	
Defendants.	)	Trial is set for June 14, 2006.
	)	

PLAINTIFFS' SPECIAL VERDICT FORM

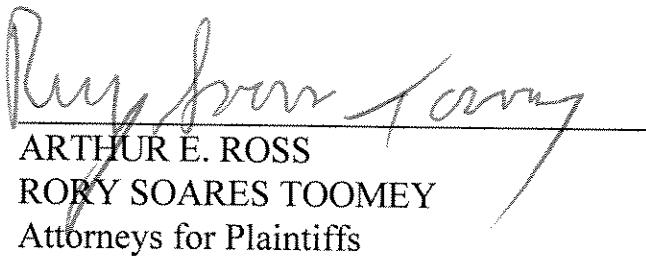
I. INTRODUCTION TO THE SPECIAL JURY FORM

The jury must follow the directions in the Special Verdict Form. The jury must answer all of the questions unless otherwise indicated. To understand what issues are being submitted to you, you may wish to read over the entire Special

Verdict Form before proceeding to answer the questions in numerical order, starting with Question No. 1, because an earlier answer may excuse you from answering a later question. Follow all directions carefully. Answer "yes" or "no" unless otherwise indicated. Each question requires the agreement of all jurors. If you do not understand any question, please communicate with the Court in writing.

Once you have answered these questions, your Foreperson must sign and date this form in the spaces indicated and let the bailiff know that you have reached a verdict.

DATED: Honolulu, Hawaii, June 6, 2006

  
ARTHUR E. ROSS  
RORY SOARES TOOMEY  
Attorneys for Plaintiffs

We the jury of the above-entitled action, find the following special verdict on the questions submitted to us:

1. Did the defendants violate the Plaintiffs' Fourth Amendment Right to be free from an unreasonable seizure?

yes

no

If the Answer is yes go on to question two, if it is no the Foreperson must sign and date this form and notify the Bailiff that you have reached a verdict.

2. Did the Defendants violate the Plaintiffs' Fourth Amendment right to be free from an unreasonable search while they were acting under color of state law?

yes

no

If the Answer is yes go on to question three, if it is no the Foreperson must sign and date this form and notify the Bailiff that you have reached a verdict.

3. Did the Defendants act unreasonably when the Defendants did not announce their presence, demand entry, and give the Plaintiffs a reasonable time to respond to that demand when they smashed the glass door to the Plaintiffs' home ?

yes

no

If the Answer is yes on to question three is yes go to questions four, if it is no the Foreperson must sign and date this form and notify the Bailiff that you have reached a verdict.

4 Were the Plaintiff damaged as a result of the Defendants' violation of her Fourth Amendment Right to be free from unreasonable searches?

yes

no

Amount \$ \_\_\_\_\_

If the Answer is yes on to question four is yes go to questions five through seven, if it is no the Foreperson must sign and date this form and notify the Bailiff that you have reached a verdict.

5. What percentage of the damages were suffered by

Barbara Kalanikiekie Kaapuni \_\_\_\_\_ %

Jon Hans Kaapuni, Sr. \_\_\_\_\_ %

Pamela Noholani Kaapuni \_\_\_\_\_ %

Jon Hans Kaapuni, Jr. \_\_\_\_\_ %

Fallon Kalanikiekie Kaapuni \_\_\_\_\_ %

Tyrah Noholani Kaapuni \_\_\_\_\_ %?

6. What percentage of the Plaintiff's damages are attributable to

Carlton Helm \_\_\_\_\_ %

Christina Williams \_\_\_\_\_ %

Kelly Arlos \_\_\_\_\_ %

Harold Manaois \_\_\_\_\_ %

Keana Brown \_\_\_\_\_ %?

7. Do you find that the Plaintiff is entitled to punitive damages from the

Defendants?

yes

No

Amount \$ \_\_\_\_\_

If the Answer is yes on to question four is yes go to questions five through seven, if it is no the Foreperson must sign and date this form and notify the Bailiff that you have reached a verdict.

8. What is the percentage of the award of punitive damage that each of the Plaintiffs is entitled to?

Barbara Kalanikiekie Kaapuni	_____ %
Jon Hans Kaapuni, Sr.	_____ %
Pamela Noholani Kaapuni	_____ %
Jon Hans Kaapuni, Jr.	_____ %
Fallon Kalanikiekie Kaapuni	_____ %
Tyrah Noholani Kaapuni	_____ %?

9. What percentage of the Plaintiff's damages are attributable to each of the Defendants?

Carlton Helm	_____ %
Christina Williams	_____ %
Kelly Arlos	_____ %
Harold Manaois	_____ %
Keana Brown	_____ %?

DATED: Honolulu, Hawaii, \_\_\_\_\_

FOREPERSON

## IN THE UNITED STATES DISTRICT COURT

## FOR THE DISTRICT OF HAWAII

BARBARA KALANIKIEKIE	)	CIVIL NO. CV-04-00449-SOM-LEK
KAAPUNI, JON HANS	)	
KAAPUNI, Sr., PAMELA	)	CERTIFICATE OF SERVICE
NOHOLANI KAAPUNI, JON	)	
HANS KAAPUNI, Jr., FALLON	)	
KALANIKIEKIE KAAPUNI,	)	
AND TYRAH NOHOLANI	)	
KAAPUNI by her best friend	)	
JON HANS KAAPUNI, Sr.,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	
	)	
CARLTON HELM, in his	)	
individual capacity, STAG	)	
SAGARIO, in his individual capacity,	)	
CHRISTINA WILLIAMS, in her	)	
individual capacity, KELLY ARLOS,	)	
in his individual capacity, JAMIE	)	
WINFREY, in her individual capacity,	)	
HAROLD MANAOIS, in his individual	)	
capacity, KEANA BROWN,	)	
in her individual) capacity, AND	)	
THE COUNTY OF	)	
MAUI,	)	
	)	
Defendants.	)	
	)	

CERTIFICATE OF SERVICE

**I HEREBY CERTIFY** that on June 6, 2006 a copy of the attached document was served by United States Mail, first class postage prepaid upon:

MOANA MONIQUE LUETY  
200 S. HIGH STREET  
WAILUKU, HAWAII 96793

Attorney for Defendant  
COUNTY OF MAUI

DATED: Honolulu, Hawaii, June 6, 2006

  
ARTHUR E. ROSS  
RORY SOARES TOOMEY  
Attorneys Plaintiffs  
BARBARA KALANIKIEKIE  
KAAPUNI, JON HANS  
KAAPUNI, Sr., PAMELA  
NOHOLANI KAAPUNI, JON  
HANS KAAPUNI, Jr., FALLON  
KALANIKIEKIE KAAPUNI,  
AND TYRAH NOHOLANI  
KAAPUNI by her best friend  
JON HANS KAAPUNI, Sr.